Reconsideration of the application is respectfully requested.

AMENDMENT

In the Claims

Please cancel claims 1-27 (as renumbered)

Please add the following claims:

41. A recombinant herpes simplex virus ICP27 deletion mutant (rHSV d27.1rc virus) comprising an adeno associated virus *cap* gene and an adeno associated *rep* gene each operably linked to a homologous or a heterologous promoter.

42. The rHSV d27.1rc virus of claim 41 wherein the homologous promoter is a p5, p19 or p40 promoter.

43. The rHSV d27.1rc virus of claim 41 wherein the heterologous promoter is CMV 40. HIV LTR, HCMV IE or HSV 110.

44. The rHSV d27.1rc virus of claim 41 wherein the herpes simplex virus is herpes simplex-1 or herpes simplex virus-6.

45. The rHSV d27.1rc virus of claim 41 wherein the adeno-associated virus is AAV-1, AAV-2, AAV-3, AAV-4, AAV-5 or AAV-6.

46. A recombinant herpes simplex virus mutant comprising an adeno associated virus *rep* gene and an adeno associated virus *cap* gene, each operably associated with a promoter wherein

the mutant is a deletion or alteration of a non-essential gene for helper virus function in replication of an adeno-associated virus.

47. The recombinant herpes simplex virus mutant of claim 46 wherein the mutant is an alteration in IE63 immediate early gene effective to increase expression of gene product ICP8 protein.

48. The recombinant herpes simplex virus mutant of claim 46 wherein said mutant fails to express ICP27 protein.

49. The recombinant herpes simplex virus mutant of claim 46 wherein the mutant is a fails to express glycoprotein H.

50. A recombinant herpes simplex virus vector comprising an adeno-associated virus *cap* coding sequence, an adeno-associated virus *rep* coding sequence, each operably associated with a promoter comprised within a mutant herpes simplex wherein said vector has a mutation in immediate early gene IE63 to overexpress ICP8.

51. The recombinant herpes simplex virus vector of claim 50 wherein said mutation provides underexpression or lack of expression of ICP27.

52. The recombinant herpes simplex virus vector of claim 50 wherein the herpes simplex virus is HSV-1 or HSV-6.

53. The recombinant herpes simplex virus vector of claim 50 wherein the adeno-associated virus is AAV-1, AAv-2, AAV-3, AAV-4, AAV-5 or AAV-6.

54. The recombinant herpes simplex virus vector of claim 50 wherein the AAV rep coding sequence is operably linked to promoter p5, p19 or p40.

55. The recombinant herpes simplex virus vector of claim 50 wherein the AAV cap coding sequence is operably linked to promoter p5, p19 and p40.

56. A kit comprising a virus vector comprising

an AAV *rep* coding sequence operably linked to a promoter;

an AAV *cap* coding sequence operably linked to a promoter;

HSV-1 helper function coding sequences for AAV replication, said coding sequences comprising coding sequences for replication proteins comprising UL5, UL8, UL52 and UL29; and

instructions for use of said vector.

57. A kit comprising the recombinant vector of claim 56 and instructions for use.

58. A DNA segment comprising an AAV-2 rep coding sequence operably linked to a promoter, an AAV-2 cap coding sequence operably linked to a promoter and coding sequences for AAV-2 replication proteins comprising proteins UL5, UL8, UL52 and UL29.